

REMARKS

Claims 1-6, 11-14, 16-20, 25-35, 38, and 74-79 are pending in the application. Claims 16-20, 25-35, and 38 are withdrawn as being drawn to non-elected inventions. Claims 15 and 80-108 are canceled without prejudice or disclaimer. Claims 1-6, 11-15, and 74-79 are under active consideration.

In order to expedite allowance of the claims, claim 1 has been amended to incorporate the limitations of objected claim 15. Claim 1, as amended, recites that the cell further comprises an organic fluorophore. Claim 16 has also been amended to make explicit that the method of distinguishably identifying a cell comprises contacting the cell with a semiconductor nanocrystal and an organic fluorophore. Support for the amendments can be found in original claim 15 and the specification, for example, at page 22, line 24 through page 27. Accordingly, the specification provides adequate support for these amendments. Entry of the amendments is respectfully requested.

Cancellation and amendment of the claims is made without prejudice, without intent to abandon any originally claimed subject matter, and without intent to acquiesce in any rejection of record. Applicants expressly reserve the right to file one or more continuing applications hereof containing the canceled or unamended claims.

Applicants note with appreciation the withdrawal of the previous rejections under 35 U.S.C. § 112, second paragraph, and 35 U.S.C. § 102(e).

35 U.S.C. § 102 and § 103

Claims 1-3, 6, and 11-14 have been rejected under 35 U.S.C. § 102(e). Claims 4, 5, 74-79 have been rejected under 35 U.S.C. § 103(a). The Examiner has indicated that the subject matter of claim 15 is allowable (Office Action, page 10). Claim 1 has been amended to incorporate the recitations from canceled claim 15. Applicants submit that claim 1 and all claims dependent therefrom should now be allowable. All the rejected claims ultimately or directly depend from claim 1 and are therefore free from the art.

Thus, all claims are believed to be allowable, and withdrawal of the rejections under 35 U.S.C. § 102(e) and § 103(a) is respectfully requested.

USSN: 09/972,744
Atty. Dkt. No.: 0014-US
5100-0702

CONCLUSION

In light of the above remarks, Applicants submit that the present application is fully in condition for allowance. Early notice to that effect is earnestly solicited.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicants invite the Examiner to contact the undersigned.

The Commissioner is hereby authorized to charge any fees and credit any overpayment of fees which may be required under 37 C.F.R. §1.16, §1.17, or §1.21, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: March 30, 2006

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